

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

WSOU INVESTMENTS LLC * November 13, 2023
*
VS. * CIVIL ACTION NOS.
*
GOOGLE LLC * 6:20-572, 580, 584

BEFORE THE HONORABLE ALAN D ALBRIGHT
PRETRIAL CONFERENCE

APPEARANCES:

For the Plaintiff: Joseph M. Abraham, Esq.
Timothy Franklin Dewberry, Esq.
Folio Law Group PLLC
13492 Research Blvd, Ste. 120, #177
Austin, TX 78750

Moses Xie, Esq.
Folio Law Group PLLC
1200 Westlake Ave. N., Ste. 809
Seattle, WA 98109

Gregory Phillip Love, Esq.
Steckler Wayne Cherry & Love PLLC
PO Box 948
Henderson, TX 75653

Mark Siegmund, Esq.
Justin Wayne Allen, Esq.
Cherry Johnson Siegmund James, PLLC
The Roosevelt Tower
400 Austin Avenue, 9th Floor
Waco, Texas 76701

For the Defendant: Tharan Gregory Lanier, Esq.
Jones Day
1755 Embarcadero Road
Palo Alto, CA 94303

Tracy Ann Stitt, Esq.
Edwin O. Garcia, Esq.
Jennifer L. Swize, Esq.
Jones Day
51 Louisiana Avenue, N.W.
Washington, DC 20001

1 Michael E. Jones, Esq.
2 Potter Minton PC
3 102 N College, Suite 900
4 Tyler, TX 75702

5 Shaun William Hassett, Esq.
6 Potter Minton PC
7 102 N College, Suite 900
8 Tyler, TX 75702

9 Court Reporter: Kristie M. Davis, CRR, RMR
10 PO Box 20994
11 Waco, Texas 76702-0994
12 (254) 340-6114

13 Proceedings recorded by mechanical stenography,
14 transcript produced by computer-aided transcription.
15
16
17
18
19
20
21
22
23
24
25

11:11 1 of the two patents that were going to be tried in our
11:11 2 first trial. Your Honor granted Daubert as to their
11:11 3 damages theory, invited them to come back or to take it
11:11 4 up on appeal.

11:11 5 Mr. Jones is prepared to explain that
11:11 6 they've essentially asked to take it up on appeal
11:11 7 because they doubled down on that previous approach,
11:11 8 but that one is new. It was just briefed over the --
11:11 9 basically over the weekend. So the Court may not have
11:12 10 had time to --

11:12 11 THE COURT: So I think we're just going
11:12 12 to take that up on the papers.

11:12 13 MR. LANIER: Thank you, Your Honor.

11:12 14 THE COURT: Now, is there anything else
11:12 15 we need to take up?

11:12 16 MR. LOVE: No, Your Honor.

11:12 17 MR. LANIER: And just one practical point
11:12 18 we wanted to remind the Court of, I was just reminded
11:12 19 as well. There are -- there's now left the 584 case
11:12 20 and the 580 case. One of the five cases that went up
11:12 21 on appeal did come back, we're sorry to report.
11:12 22 They're happy to report, we're sorry to report. One
11:12 23 did come back.

11:12 24 It's not -- it's related to the 584 case,
11:12 25 which has survived so far for trial. We just wanted to

11:12 1 point that out and --

11:12 2 THE COURT: So would that be part of the
11:12 3 trial now?

11:12 4 MR. LANIER: We would think it would be.
11:12 5 It's obviously -- it just came back on appeal. There
11:12 6 hasn't been discovery specific to that patent.

11:12 7 THE COURT: Oh, okay.

11:12 8 And I'll hear from the plaintiff on that
11:12 9 issue. Yes, Mr. Lanier.

11:13 10 MR. LANIER: I'm being reminded, same
11:13 11 inventor, overlapping, originally accused technologies,
11:13 12 things like that. So my apologies.

11:13 13 THE COURT: Yes.

11:13 14 (Off-the-record bench conference.)

11:13 15 THE COURT: Yes, sir.

11:13 16 MR. ABRAHAM: I think we would agree with
11:13 17 the portion of what he said in terms of there are
11:13 18 overlapping issues, but there has not been specific
11:13 19 discovery. There are no expert reports relating to
11:13 20 the --

11:13 21 THE COURT: Wouldn't it make sense to do
11:13 22 this all at once?

11:13 23 MR. ABRAHAM: It might.

11:13 24 (Laughter.)

11:13 25 MR. ABRAHAM: I think.

11:13 1 THE COURT: I mean, I love being in
11:13 2 trials as often as possible, at least that's what the
11:13 3 press reports.

11:13 4 But why don't we do this: Why don't --
11:13 5 since this is all baked and ready to go, but why don't
11:13 6 you all figure out how to get -- how to work out the
11:13 7 other one and get all that stuff done, if you can do it
11:13 8 on an accelerated basis, and get back to us. We can
11:13 9 set it for trial. I'll try and squeeze it in for trial
11:14 10 whenever we can in the future on a date that works for
11:14 11 you guys.

11:14 12 MR. ABRAHAM: I think we would -- I
11:14 13 think -- and I don't want to speak for Google here, but
11:14 14 I do think there's a lot to discuss having -- based on
11:14 15 the rulings that came out of today. So I think in
11:14 16 terms of -- I think some extended meet-and-confer might
11:14 17 be in order to decide what makes sense as far as next
11:14 18 steps. And we'd certainly consider that as part of it.

11:14 19 MR. LANIER: I think I agree. We would
11:14 20 take what's left, put it all together, and figure out
11:14 21 when it makes sense to do that rather than proceeding
11:14 22 forward in a week or two.

11:14 23 THE COURT: Okay. Very good.

11:14 24 MR. ABRAHAM: We agree.

11:14 25 THE COURT: Anything else we need to take